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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/992,537

11/19/2001

Bradley A. Myers

26495-4

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08/07/2006

BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP

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EXAMINER

KRSCIUNAS, LINDA MARY

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/992,537	MYERS, BRADLEY A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Linda Krisciunas	3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The following is a Final office action in response to the applicant's amendments filed May 24, 2006. Claims 1 and 19-25 are pending, with claims 19-25 being newly added. Claims 2-18 were canceled.

#### ***Response to Amendment***

2. The examiner has fully considered the amendments to claim 1 as well as the newly added claims 19-25 and they have been addressed in the art rejection below.

#### ***Response to Arguments***

3. The applicant's arguments have been fully considered by the Examiner, but are not deemed persuasive. The applicant's arguments are based upon the amended claim language and the newly added claims and thus have been addressed below in the art rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 5,862,223).

As per claim 1, Walker teaches receiving a request from a client (column 7, lines 10-11, where the user produces a job request for consideration by an expert, whereby the request is deemed equivalent to a case as it performs an identical function in

Art Unit: 3623

substantially the same manner with substantially the same results.); assigning an investigator to the case, the step of assigning including: selecting the investigator from a list of preferred investigators, each investigator from the list of preferred investigators being identified by the client as preferred (column 6, lines 58-61 where the client selects the expert based upon the expert's qualifications, and whereby the act of the user selecting the expert based upon qualifications is equivalent to showing a preference), calculating a budget for the case (column 7, lines 11-13 where the job request includes a range of money the user is willing to spend, which would entail calculating a budget), and sending notification to the investigator requesting acceptance of the assignment to the case (column 7, lines 30-61, where the Exchange sends out a message to the expert asking them to bid on the request/assignment); and managing the case on behalf of the client and the investigator by a case manager (column 8, lines 1-5: The Exchange unit acts as a case manager as it analyzes the information from both the client and expert and selects the bids that match the request, negotiates pricing and informs the expert of their hiring for the assignment.). Walker does not explicitly teach a "case", but rather teaches a "job request" which is deemed equivalent as it performs an identical function in substantially the same manner with substantially the same results. In addition, the term "case" is non-functional descriptive material as it does not impact the function of the invention. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a "job request" in lieu of a "case" to provide means for classifying the type of work or information involved.

As per claim 19, it recites the same limitations as claim 1 and is therefore subject to the same art rejections. The web server is identified in column 13, line 38. The collection of databases is taught in column 14, lines 14-25.

As per claim 20, Walker teaches receiving a case type profile indicating that the case is a reviewed case (column 19, lines 25-26 where the request or case is reviewed for clarity prior to circulating to the experts.).

As per claim 21, Walker teaches receiving a budgeted time and expense data from a case manager (column 7, lines 11-15 where the request contains a range of money the user is willing to spend or a budget for the request and how quickly it is needed or the timing of the request.); receiving actual time and expense data from the investigator; storing and comparing the budgeted time and expense data to the actual time and expense data; and automatically approving the actual time and expense data if they are less than the budgeted time and expense data (column 8, lines 40-46 where the expert informs the Exchange the job is complete and requests payment. The Exchange verifies the client is satisfied and executes the prearranged billing, whereby the client being satisfied would entail the time and money aspects of the request being within the agreed to amounts. The prearranged billing is equivalent to automatically approving time and expense data if they are within the budget as it performs an identical function in substantially the same manner with substantially the same results. The client has agreed to pay the expert if the request was performed according to the agreement and therefore if the results meet terms of the agreement, the payment is automatic.).

As per claim 22, Walker teaches the step of receiving case information includes receiving a case type profile indicating that the case is a live case (column 7, lines 30-61, where the Exchange sends out a message to the expert asking them to bid on the request/assignment, whereby the request or case would inherently be live in order for the message to be sent out.).

As per claim 23, it recites the same limitations as claim 1 and is therefore subject to the same art rejections.

As per claim 24, Walker teaches enabling direct communication between the client and the investigator (column 9, lines 1-3, where the system allows direct communication between the user and the expert.).

As per claim 25, it recites the same limitations as claim 19 and is therefore subject to the same art rejections.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3623

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches about case management: Brookes et al (US 6,950,801), Bedell et al (US 6,622,128), Arrowood (US 2002/0010614) and Mascarenhas (US 2003/0014427).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMK

*LMK*  
*August 1, 2006*

*Romain Jesty*  
*Primary Examiner*  
*Art Unit 3623*